

*New 16
Fill
General Counsel
Budget*

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MEMORANDUM

7 December 1945

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TO:

FROM: Office of General Counsel

SUBJECT: Personnel Estimates

I. MISSION OF GENERAL COUNSEL'S OFFICE

The Office of General Counsel is responsible for all legal matters pertaining to the agency's affairs and advises the Director, Assistant Directors and other officials of the agency on legal problems, assumes responsibility for determining the agency's legal rights and responsibilities arising out of the conduct of the agency's affairs, prepares opinions for the Director and other officials of the agency on all types of legal questions including contracts, claims, property, finance and fiscal procedures, application of legislation to agency matters, and special death and disability cases, reviews and approves or revises general and special orders, administrative instructions and similar documents, carries on liaison with Judge Advocate's Department and other legal branches of the Government, and advises on or handles corporation dissolution and other legal aspects of corporations necessary to agency operations. It is the primary mission of the General Counsel's Office to act on all the above matters which are peculiar to this Unit, and secondarily to refer to the appropriate branches or other divisions of the Government such routine and standard problems as those offices are equipped to handle. Thus, routine procurement contracts, claims by and against the Government, wills, etc., are referred to the Contract Division, Claims Officer or Legal Assistance Officer. Special contracts of a confidential or unusual nature; claims, the background of which may not be made public; and certain private affairs of special personnel are handled by the General Counsel. It is the responsibility of the General Counsel to determine which cases may be referred to others and which must be handled as

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peculiar to the Unit.

The job descriptions attached set forth in further detail the matters handled by the office. In connection with these job descriptions, the only clear assignment is that given to the member of the office assigned to Special Funds; the other members of the office divide the work very generally according to their past experience, working on those matters they know best, but because of the frequent conferences, interchanges of information and recent rapid shuffling of personnel, the present members work as a team on all matters with no sharp lines drawn on different subjects.

II. PRESENT SITUATION

At the present time the following are properly to be considered members of the General Counsel's Office:

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[REDACTED]

Capt. L. R. Houston

[REDACTED]

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[REDACTED]

Mr. John S. Warner

[REDACTED]

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At present [REDACTED] is in ETO, working solely on War Crimes in connection with the trials at Nuremberg. With him and also working solely on War Crimes is [REDACTED] works solely on War Crimes in Washington, and he does none of the regular General Counsel work. [REDACTED] is Theater Counsel for ETO. It is assumed that his services will be required overseas until at least February 1st and probably into March. [REDACTED] is assisting him in clearing up legal problems in Europe. Lt. [REDACTED] is on his way back from IST, and on his return will be entitled to at least 45 days TD. [REDACTED] recently

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returned from ETO, and is at present absent on 57 days TD which will terminate about February 1st. Thus the only members of the office actually performing General Counsel functions are Capt. Houston, [REDACTED] and Mr. Warner, the latter being assigned to the Special Funds Advisor's position. [REDACTED] and the three clerk-stenographers comprise the office staff. With the backlog arising out of liquidation and closing of field offices, the office is at present considerably understaffed.

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III. RECOMMENDATIONS

The following recommendations are made for an absolute minimum staffing of the General Counsel's Office based on certain conditions precedent existing on or about 1 February 1946. These conditions are:

(1) That the majority of the liquidation problems will be closed, and that the flow from the field will be greatly reduced;

(2) That all routine matters such as personnel claims, accident reports, normal disability and death problems, review and termination of contracts will be performed by the other branches or agencies who normally handle such matters;

(3) That the proposed staff is not expected to be able to handle peak loads at such times as during the preparation of budgets and preparations for hearings before committees, and handling of any investigations or special reports that may be required, and that at such times additional assistance will be made available by capable legal officers from Headquarters Detachment, the Inspector General's Department, the JAGD or any other Government department which can supply qualified men;

(4) That this proposal does not cover overseas where it is assumed that the present

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Theater Counsel will continue to act until such time as problems there are liquidated.

The recommendation of this office is that on 1 February 1946, assuming the above conditions, the staff should be one civilian lawyer assigned to Special Funds; two JAGD officers or the equivalent, one acting as the General Counsel and the other as assistant to the General Counsel; three civilians in the office staff, one of whom should be at least a CAF-7 and the others at least CAF-5. It is submitted that the use of JAG officers or their equivalent is justified by the fact that many of the problems handled are highly classified and that due to the military nature of many of the problems and the close liaison with the Judge Advocate General's office, the General Counsel acts in a situation quite similar to the Judge Advocate in the War and Navy Departments.

At present it is expected that the following will be available as of 1 February: [redacted] who should have returned but may be eligible for discharge; Capt. Houston, eligible for discharge if declared surplus; [redacted] possibly eligible for discharge if declared surplus; [redacted] not at present eligible for discharge; [redacted] believed not eligible for discharge; Mr. Warner, civilian employee; possibly [redacted] all the present administrative and secretarial staff will be available, including [redacted]

Capt. L. R. Houston
Acting General Counsel

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